

Message

From: Roewer, James [JRoewer@eei.org]
Sent: 7/20/2018 7:03:40 PM
To: Johnson, Barnes [Johnson.Barnes@epa.gov]
Subject: RE: Pre-Pub Version of CCR Rule

Barnes, I have another question regarding the rule.

In extending the closure deadlines for unlined impoundments not meeting the GPS (257.101) and impoundments not meeting the aquifer location restriction (257.60) to October 31, 2020, it would appear necessary to also extend the deadline for making a determination and notification of no alternative disposal capacity in 257.103 (c)(1) for those specific instances. The current deadline in 257.103(c)(1) is within six months of becoming subject to closure; this could be interpreted as requiring an entity to make a no alternative closure determination 18 months in advance of the cease operation date, which does not seem logical. Among other reasons, a facility may determine in October 31, 2020, that it doesn't wish to pursue the alternative provisions, depending on what the revised ELG's require. Rather, it would be logical that the deadlines for such determination/notification timeframe under the 257.103(c)(1) should be aligned with the new closure timeframes in 257.101 and 257.60.

This might have been something your team missed, and something that could either be resolved before the rule is posted in the Federal Register or something that could be fixed, if necessary, in a technical amendment.

I would appreciate your thoughts on this point.

From: Roewer, James
Sent: Friday, July 20, 2018 8:30 AM
To: 'Johnson, Barnes' <Johnson.Barnes@epa.gov>
Subject: RE: Pre-Pub Version of CCR Rule

Thank you

From: Johnson, Barnes <Johnson.Barnes@epa.gov>
Sent: Thursday, July 19, 2018 1:41 PM
To: Roewer, James <JRoewer@eei.org>
Subject: RE: Pre-Pub Version of CCR Rule

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Thanks Jim,

We appreciate another set of eyes helping us spot issues.

My understanding from brief conversation with the team is the two references to new but missing paragraphs are in error. There are no new paragraphs.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Roewer, James [<mailto:JRoewer@eei.org>]

Sent: Thursday, July 19, 2018 11:16 AM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Subject: Pre-Pub Version of CCR Rule

Barnes, in reading through the pre-pub version of the rule, I see that a few referenced paragraphs are missing:

On p 74, under No. 18., there is a reference to paragraph (j) but no new paragraph (j) on p 75
On p 76, under 20., there is a reference to paragraphs (f), (g) and (h) but now new paragraphs on p 77

I assume that you are reviewing the document and correcting typos and errors such as these. Can you provide me the info on what the (apparent) missing paragraphs say?

Thanks

Jim